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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/985,709	11/06/2001	Richard A. Wilson JR.	36.P281	4281

5514 7590 09/19/2005

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EXAMINER

DIVECHA, KAMAL B

ART UNIT PAPER NUMBER

2151

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/985,709

Applicant(s)

WILSON, RICHARD A.

Examiner

KAMAL B. DIVECHA

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 46-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

BT

Response to Arguments

Claims 1-52 are pending in this application of which 46-52 are withdrawn from consideration.

In response filed on August 09, 2005, the applicant has added new claims 46-52.

Newly submitted claims 46-52 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claims 1-45 were drawn to reconfiguration of a multifunction device, classified in class 709, subclass 221, whereas claims 46-52 are drawn to an image forming apparatus communicating with an external data processing system, classified in class 358, subclass 400.

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as communicating with an external data processing system or apparatus. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution

Art Unit: 2151

on the merits. Accordingly, claims 46-52 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Applicant's arguments filed August 09, 2005 have been fully considered but they are not persuasive.

In response filed, applicant admitted that Greenstein is related to dynamic reconfiguration of the physical configuration of a system (so does the inventor in the instant application by reallocating an amount of at least one hardware and/or physical resources available for use, see claim 1), which is initiated by a reconfiguration request transmitted from a configuration controller to a hypervisor controlling operating system executing in one or more partitions of the system (see remarks, page 18).

In response to applicant's argument that "Greenstein does not disclose a method for managing a multifunction network device on a network", the recitation "a method for managing a multifunction network device on a network has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

As per applicant, Greenstein is unrelated to network communications and it could not possibly provide any guidance to those of ordinary skilled in the network environment, and specifically could not provide any guidance on sending and reception, via a network, of a

Art Unit: 2151

reconfiguration command a confirmation message, particularly as concerns a reconfiguration command for reallocation of hardware resources available for use by a plurality of such functional modules (see Remarks, pg. 18).

Examiner believes that even though Greenstein does not provide an embodiment comprising plurality of multifunction network devices on the network, it does not necessarily mean that Greenstein is unrelated to network communications. Greenstein is related to network communications because it includes a network device and an operator and involves communication between them (see fig. 1 and fig. 9) and Burgess is from the same field of endeavor because both Greenstein and Burgess are directed to reconfiguration of the network device (see Burgess, col. 7-col. 8 and see Greenstein fig. 9-10 and col. 5-col. 6). Again, Greenstein does not provide an embodiment comprising plurality of multifunction network devices on the network, it does not necessarily mean that Greenstein is unrelated to network environment and as such Both Greenstein and Burgess are from the same field of endeavor.

Greenstein discloses a system where the system is reconfigured by an operator and Burgess discloses a system where the network devices are reconfigured by an external data processing system via a network. Greenstein discloses reconfiguration aspect of the invention and Burgess discloses the network based reconfiguration system where the communications takes place over the network. In any event, even if the Greenstein was unrelated to network communications, it does not necessarily mean that the modifying Greenstein in view of Burgess would not produce the same results as claimed in the instant application. Various modifications and embodiments of the Greenstein and Burgess would have produced the same results.

Therefore, based on the reasons set forth above, the rejection is maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-6, 8-9, 11-17, 23-24, 37-38 and 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenstein et al. (hereinafter Greenstein, U. S. Patent No. 5,784,702) in view of Burgess et al. (hereinafter Burgess, U. S. Patent No. 5,696,701).

As per claim 1, Greenstein discloses a method for managing a multifunction network device on a network comprising the steps of: detecting a reconfiguration event for one of the plurality of multifunction network devices (col. 3 L55-67, col. 4 L57-60 and fig. 1); sending a reconfiguration command to the one multifunction network device (col. 4 L7-12, L60-64 and fig. 6), the reconfiguration command being a deletion command to delete at least one of the function modules or a reallocation command to reallocate an amount of at least one of the hardware resources available for use by each of the plurality of function modules (col. 5 L5 to col. 6 L50); and receiving confirmation that the one multifunction network device has been reconfigured in accordance with the reconfiguration command (col. 4 L32-56; col. 5 L37-41), however, Greenstein does not explicitly disclose a plurality of multifunction network devices, each multifunction device having a plurality of hardware resources including a storage memory for storing a plurality of function modules, a program memory for use by the function modules and a processor for executing each of the function modules and whereas the process of sending

Art Unit: 2151

reconfiguration event and sending a reconfiguration command to the multifunction network device is conducted over the network and receiving via the network a confirmation message.

Burgess, from the same field of endeavor explicitly discloses a networked system and a process for managing a plurality of network computers (read as multifunction network devices), each multifunction device having a plurality of hardware resources including a storage memory for storing a plurality of function modules, a program memory for use by the function modules and a processor for executing each of the function modules (col. 2 L20-57, fig. 1 and fig. 2). Burgess further discloses configuration module in an external data processing system which sends via the network a reconfiguration command to the one network device, and whereas the reconfiguration event is transmitted over the network by the one network device and is received via the network, and wherein messages are transmitted over the network by the network device (fig. 1-2 and col. 7 L1 to col. 8 L11). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Greenstein in view of Burgess to provide a method for managing a plurality of multifunction network devices on a network over the network wherein reconfiguration event, reconfiguration command and confirmation message are transmitted and received over the network to provide a network based managing and reconfiguring system, since Burgess teaches and discloses the process of networked based communications wherein network devices send and receive reconfiguration event, reconfiguration command and confirmation over the network.

One of ordinary skilled in the art would have been motivated because it would have provided an efficient process for dynamic reconfiguration of the system resources (Greenstein, col. 2 L35-40) in a computer network. It would have also provided a method and system for

simultaneous performance monitoring of system resources and the number of systems connected to a computer network (Burgess, col. 2 L22-57).

As per claim 2, Greenstein discloses the process wherein the reconfiguration event is a request for execution of one of the plurality of function modules by the one multifunction network device (col. 3 L65 to col. 4 L12, col. 5 L7-26, col. 6 L35-44).

As per claim 3, Greenstein discloses the process wherein the reconfiguration event is a trigger set by a configurator module executing in a computing device on the network (col. 4 L60-64 and fig. 7, col. 6 L9-40).

As per claim 4, Greenstein discloses the process wherein the trigger is set in response to detection by the configurator module of an increased demand for use of the storage memory and of the program memory in the one multifunction network device (fig. 18, fig. 16 and fig. 11-12).

As per claim 5, Burgess further discloses the process of detecting high usage of the storage memory and program memory based on resource information data passed from a monitored computer (read as multifunction device) to the configurator module (col. 5 L1-51). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Burgess as stated above with Greenstein to detect of an increased demand for use of the memory which is based on resource information data from the monitored computer. One of ordinary skilled in the art would have been motivated because of the same reasons as set forth in claim 4.

As per claim 6, Burgess further discloses the process wherein the resource information data includes a current utilized amount of the storage memory and a current amount of the program memory of the monitored computer (col. 7 L4-67). Therefore, it would have been

Art Unit: 2151

obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Burgess as stated above with Greenstein to pass the utilized amount of the memory. One of ordinary skilled in the art would have been motivated because of the same reasons as set forth in claim 4.

As per claim 8, Greenstein discloses the process wherein the trigger is set by the configurator module based on receipt of a request message by the configurator module from the one multifunction network device (col. 4 L57 to col. 5 L7).

As per claim 9, Greenstein disclose the process wherein the request message comprises a request by multifunction network device for an increased useable capacity of the storage memory and of the program memory in the multifunction device (col. 4 L57 to col. 5 L66 and col. 2 L60-65).

As per claim 11, Greenstein does not explicitly disclose the process of monitoring an overall demand for execution of each of the plurality of functions by the plurality of multifunction network devices and wherein the trigger is set by the configurator module based on a detected increase in the overall demand for execution of one of the plurality of functions. Burgess discloses the process of monitoring the percentage time that a processor is busy executing a request and monitoring the operating system utilization (read as monitoring number of requests, col. 7 L13-15, L26-30, L60-65) and an action is taken by the configurator module based on the monitored performance data (col. 7 L65 to col. 8 L2). Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Burgess as stated above with Greenstein to provide monitoring of an overall demand for execution of each of the plurality of function modules. One of ordinary

Art Unit: 2151

skilled in the art would have been motivated because monitoring of this performance data or information would have allowed a network administrator to take action before the halt of the system (Burgess, col. 8 L7-11).

As per claim 12, Greenstein does not explicitly disclose the process wherein the configuration module monitors the overall demand for execution of each of the plurality of functions by monitoring a plurality of function request messages which are sent to the plurality of multifunction devices. Burgess discloses the process of monitoring the percentage of time that a processor is busy executing a request, the rate at which the operating system switches between threads and the number of times that the operating system is not able to assign a work item to service a request (col. 7 L13-65). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Burgess to monitor plurality of function request messages. One of ordinary skilled in the art would have been motivated because of the same reasons as asset forth in claim 11.

As per claim 13, Greenstein discloses the process wherein the one multifunction network device is reconfigured in accordance with the reconfiguration command by deleting at least one of the function modules from the storage memory (col. 5 L65 to col. 6 L30, col. 9 L18-21 and col. 12 L15-20).

As per claim 14, Greenstein does not explicitly disclose the process wherein one multifunction network device is reconfigured in accordance with the reconfiguration command by deleting all of the function modules except one designated function modules from the storage memory, however it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Greenstein to reconfigure network device by deleting all

Art Unit: 2151

function modules except one designated function module. One of ordinary skilled in the art would have been motivated because it would have improved the performance of the network device.

As per claim 15, Greenstein discloses the process wherein the one multifunction network device is reconfigured in accordance with the reconfiguration command by reallocating a designated amount of the program memory for use by control program (read as function module, col. 12 L35-61 and fig. 16 item #1607 and item #1609).

As per claim 16, Greenstein does not explicitly disclose the process wherein multifunction network device is reconfigured in accordance with the reconfiguration command by instructing an operating system in the one multifunction network device to respond only to a function request message which requests execution of a designated function module. Burgess discloses the process of instructing an operating system to provide more work items to service requests when operating system is not able to assign a work item (col. 7 L60 to col. 8 L2). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Burgess to instruct operating system to respond only to a designated function request. One of ordinary skilled in the art would have been motivated because it would have improved the performance of the system.

As per claim 17, Greenstein discloses the process of adding of logical resources to a partition (read as adding a designated function module to the storage memory and the program memory, col. 6 L4-40).

As per claim 44, Greenstein does not explicitly disclose the process wherein one multifunction network device is reconfigured in accordance with the reconfiguration command

Art Unit: 2151

by prohibiting the use of program memory for at least one the function module. Burgess discloses the process wherein a monitored computer (a multifunction network device) is instructed to cease executing extraneous processes (read as prohibiting the use of program memory, col. 7 L49-60). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Burgess as sated above with Greenstein in order to prohibit the use of program memory. One of ordinary skilled in the art would have been motivated because it would have improved the performance of the network device.

As per claim 45, Greenstein does not explicitly disclose the process wherein one multifunction network device is reconfigured in accordance with the reconfiguration command by prohibiting the use of program memory for all of the function modules except a designated function module. Burgess discloses the process wherein a monitored computer (a multifunction network device) is instructed to cease executing extraneous processes (read as prohibiting the use of program memory, col. 7 L49-60). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Burgess to prohibit the use of program memory for all of the function modules except a designated function module. One of ordinary skilled in the art would have been motivated because of the same reasons as set forth in claim 44.

As per claims 23-24 and 37-38, they do not teach or further define over the limitations in claims 1-6, 8-9, 11-17 and 44-45. Therefore, claims 23-24 and 37-38 are rejected for the same reasons as set forth in claims 1-6, 8-9, 11-17 and 44-45.

Art Unit: 2151

2. Claims 7, 10 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenstein et al. (hereinafter Greenstein, U. S. Patent No. 5,784,702) in view of Burgess et al. (hereinafter Burgess, U. S. Patent No. 5,696,701), and further in view of "Official Notice".

As per claims 7 and 10, neither of the references explicitly discloses the process wherein the resource information data is passed in an SNMP message from one network device to the configurator module, however, SNMP is well known and obvious management protocol to the one of ordinary skilled in the art. Therefore, Official Notice is taken with respect to claims 7 and 10 to show that resource information could be passed in an SNMP message from one network device to configurator module. One of ordinary skilled in the art would have been motivated because SNMP is well known protocol available for network management that enables the system to be remotely monitored and configured via a web browser type access.

As per claim 39, neither of the references discloses the process wherein the deleted function modules are sent from the multifunction network device to a component repository on the network, and wherein the deleted function modules are subsequently retrieved by multifunction network device from the component repository and added to the storage memory and to the program memory, however, the steps of deleting, sending, retrieving and adding function modules is well known and obvious to the one of ordinary skilled in the art. Therefore, Official Notice is taken with respect to claim 39 to show that the steps of deleting, sending, retrieving and adding function modules are obvious. One of ordinary skilled in the art would have been motivated to improve the overall performance of the network device by utilizing the memory usage by temporarily deleting the unrequired modules from the memory.

Art Unit: 2151

3. Claims 18-20, 22, 25, 27-31 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenstein et al. (hereinafter Greenstein, U. S. Patent No. 5,784,702) in view of Burgess et al. (hereinafter Burgess, U. S. Patent No. 5,696,701) and further in view of Touboul (U. S. Patent No. 6,125,390).

As per claim 18, Greenstein in view of Burgess discloses the process of monitoring the utilization of the storage memory and program memory and gathering performance data related to each (Burgess, col. 7 L4-65 and fig. 3), however, Greenstein in view of Burgess does not explicitly disclose the process wherein the reconfiguration event is a trigger set by a configurator module executing in a server on the network, and the trigger is based on a detection by the configurator module that the one multifunction device has decreased demand for use of the storage memory and program memory. Touboul, from the same field of endeavor discloses the process of setting triggers by an administrator in a server on the network (col. 8 L27-65). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Touboul and modify Greenstein and Burgess to provide a trigger based on a detection that one multifunction network device has a decreased demand for use of the storage memory and program memory. One of ordinary skilled in the art would have been motivated because it would have utilized amount of storage and program memory efficiently improving the performance of the network devices.

As per claim 19, Greenstein in view of Burgess discloses the process wherein the resource information data is passed from one multifunction device to the administrator (Burgess, col. 5 L1-51).

As per claim 20, Greenstein in view of Burgess discloses the process wherein the resource information data includes a current utilized amount of the storage memory and a current amount of the program memory of the monitored computer (Burgess, col. 7 L4-67).

As per claim 22, Greenstein in view of Burgess does not explicitly disclose the process wherein the reconfiguration event is a trigger set by a configurator module executing in a server on the network, and the trigger is based on an expiration of a predetermined time duration which was initiated at a last reconfiguration event for the one multifunction device. Touboul, from the same field of endeavor discloses the process of setting triggers by an administrator in a server on the network, and the trigger executing at a desired time as set up by the scheduling module (col. 8 L27-65). Therefore, it would have been obvious to a person of ordinary skilled in the art to modify Touboul to provide the process of executing triggers based on predetermined time. One of ordinary skilled in the art would have been motivated so that triggers would have been executed automatically at a desired time (Touboul, col. 8 L61-64).

As per claim 25, Greenstein does not explicitly disclose the process wherein the trigger is based on discovery by the configurator module of the network device on the network. Touboul discloses the process of automatic discovering newly activated agents by the manager and sending an identification packet (col. 12 L22-35). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Greenstein to provide a process wherein the reconfiguration event is a trigger and the trigger is based on discovery. One of ordinary skilled in the art would have been motivated because it would have eliminated the need for the network administrator to perform the tedious process of manually defining each user (Touboul, col. 12 L22-27).

As per claim 27, Greenstein does not explicitly disclose the process wherein, in the case that the reconfiguration command is an addition command to add a designated function module to the storage memory and the program memory of the one multifunction network device, the designated function module is downloaded to the one multifunction network device. Touboul discloses the process of downloading device drivers, program modules or data files (read as a function module) to the workstations (col. 9 L55 to col. 10 L45). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Touboul as stated above with Greenstein and Burgess in order to download the designated function modules to the multifunction network device. One of ordinary skilled in the art would have been motivated because it would have allowed a network device to install the missing driver or program in order to complete the task (Touboul, col. 9 L63 to col. 10 L4).

As per claim 28, Greenstein does not explicitly disclose the process wherein the designated function module is downloaded to the multifunction network device from a component repository module in response to an instruction from a configurator module. Touboul discloses the process of downloading device drivers, program modules or data files from a component repository in response to an instruction from an administrator (col. 10 L40-48 and fig. 5). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Touboul as stated above with Greenstein and Burgess in order download the designated function modules to the multifunction network device from a component repository module in response to an instruction from a configurator

Art Unit: 2151

module. One of ordinary skilled in the art would have been motivated because of the same reasons as set forth in claim 27.

As per claim 29, Touboul discloses a system wherein the component repository module and configurator module are executing on a same computing device on network (fig. 1-2 and fig. 4). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Touboul as stated above with Greenstein in view of Burgess in order to provide a repository and configurator module on same computing device. One of ordinary skilled in the art would have been motivated because it would have decreased the response time by retrieving the functional module from the storage within the same network device.

As per claim 30, Touboul discloses a system wherein the component repository module and configurator module are executing on a separate respective devices on the network (fig. 1 to fig. 3 and fig. 12). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Touboul as stated above with Greenstein in view of Burgess in order to provide repository module and configurator module on separate network devices. One of ordinary skilled in the art would have been motivated so that the data or program files would have been obtained from external repository.

As per claim 31, Touboul discloses a system wherein the component repository module executes on a server on the network (fig. 4-5).

As per claim 35, it does not teach or further define over the limitations in claims 18-20, 22, 25 and 27-31. Therefore, claim 35 is rejected for the same reasons as set forth in claims 18-20, 22, 25 and 27-31.

Art Unit: 2151

4. Claims 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenstein et al. (hereinafter Greenstein, U. S. Patent No. 5,784,702) in view of Burgess et al. (hereinafter Burgess, U. S. Patent No. 5,696,701) and further in view of Touboul (U. S. Patent No. 6,125,390) and further in view of "Official Notice".

As per claim 21, neither of the references explicitly discloses the process wherein the resource information data is passed in an SNMP message from one network device to the configurator module, however, SNMP is well known and obvious management protocol to the one of ordinary skilled in the art. Therefore, Official Notice is taken with respect to claim 21 to show that resource information could be passed in an SNMP message from one network device to configurator module. One of ordinary skilled in the art would have been motivated because SNMP is well known protocol available for network management that enables the system to be remotely monitored and configured via a web browser type access.

As per claim 26, neither of the references explicitly discloses the process wherein the one multifunction network device is discovered by detection of an SNMP announcement message sent over the network by the one multifunction network device, however, SNMP is a well known and obvious protocol to the one of ordinary skilled in the art. Therefore, Official Notice is taken with respect to claim 26 to show that one multifunction network device could have been discovered by detection of an SNMP announcement message sent over the network by the one multifunction network device. One of ordinary skilled in the art would have been motivated because SNMP is well known management protocol used in the art for network management.

Art Unit: 2151

5. Claims 32-34, 36 and 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenstein et al. (hereinafter Greenstein, U. S. Patent No. 5,784,702) in view of Burgess et al. (hereinafter Burgess, U. S. Patent No. 5,696,701) and further in view of Touboul (U. S. Patent No. 6,125,390) and further in view of Chiles et al (hereinafter Chiles, U. S. Patent No. 6,167,567).

As per claim 32, Greenstein, Burgess and Touboul do not explicitly disclose the process wherein the version identification of the function module is provided in the instruction from the configurator module to the component repository module. Chiles teach the process of providing version identification number from a client to a server and vice versa (col. 2 L41-56; col. 4 L32-47; col. 9 L19-46 and col. 10 L29-42). Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Chiles as stated above with Greenstein, Burgess and Touboul in order to provide version number of the program module. One of ordinary skilled in the art would have been motivated so that an appropriate program module would have been downloaded and installed at the network device. Version numbers are also well known and widely used to determine and provide software updates (Chiles, col. 4 L43-48).

As per claim 33, Chiles discloses the process of using device or system profiles (col. 5 L44-50), however, neither of the references explicitly discloses the process wherein the version identification is determined in accordance with a preset profile corresponding to the one multifunction network device. But, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Chiles in order to determine the version identification in accordance with a preset profile. One of ordinary skilled in the art would have

Art Unit: 2151

been motivated because profiles provides configuration and operational settings for use with configuring network devices (Chiles, col. 32 L2-13).

As per claim 34, Chiles discloses the process of using device or system profiles (col. 5 L44-50), however, neither of the references disclose the process wherein preset profile corresponding to one network device contains information regarding allowed function modules that can be downloaded to the one multifunction device and a version identification for each of the allowed function modules. But, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Chiles to provide a preset profile with information regarding allowed function modules that can be downloaded by network device. One of ordinary skilled in the art would have been motivated so that only designated and allowed functions are performed by the network device.

As per claim 36, it does not teach or further define over the limitations in claims 32-34. Therefore, claim 36 is rejected for the same reasons as set forth in claims 32-34.

As per claims 40-43, they do not teach or further define over the limitations in claims 1-40, 44 and 45. Therefore, claims 40-43 are rejected for the same reasons as set forth in claims 1-40, 44 and 45.

Additional References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see PTO-892 mailed on 5/16/2005).

Conclusion


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Flex schedule 8 hr days (10.00am-6.30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


September 14, 2005.


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER